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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

UPP4612 – PROFESSIONAL PRACTICE I (All Sections / Groups)

7th OCTOBER 2016

Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of: Legal Profession Act 1976 (Act 166), Rules & Orders.

Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Discuss your understanding on the term of 'duties of counsel to the Court' and relate your answer with at least three (3) principal duties. Support your answer with relevant case law and authorities.

(Total: 25 marks)

QUESTION 2

Ms. Tee had completed her nine (9) month pupillage period under the supervision of Mr. Derall from Messrs Derall & Associates. She was then admitted as an Advocate and Solicitor on 26.8.2016. She enjoyed practice very much as she had been exposed to litigation, conveyancing and corporate matters during her chambering period. She later decided to set up her own legal firm under the name of "Tee & Co" in Johor Bahru. She was so excited to have her own firm and planned to do a grand official opening. One month before the opening ceremony, she printed more than 1,000 brochures and business cards for distribution to invited guests and local media. The brochures describe Ms. Tee as a "specialist in Court and Corporate matters". These brochures were also displayed at a counter outside the premises of "Tee & Co" during the opening ceremony.

She called a designer to decorate her firm and she was advised to put up a giant name plate outside her firm premise to attract clients. The designer, Mr. Tan advised her to have a big size name plate so that people can see the location of the firm clearly. This will also attract walk-in clients.

On the date of the official opening, Ms. Tee was fully attired in her Court Robe and was seen taking photograph with a well-known politician and high profile clients. They were invited to officiate the opening ceremony of the firm. She also allocated 15 minutes' interview session with reporters. During the session she voiced out her personal opinion against the Judges, Magistrates and Registrars before whom she appeared during her chambering period. She personally felt they have no credibility, and not well trained and therefore are not qualified to be in their positions.

Ms. Tee's character and outstanding profile that can be viewed in the brochures had drawn many potential clients. One of the clients, Datuk Ramu, informs Ms. Tee that he has already retained a lawyer who would able to get him RM50,000 as the award of damages in his personal injury claim. However, he wants more and asks Ms. Tee "Can you obtain more for me?", to which Ms. Tee responded, "Sure! Discharge him and come to me. It is a small matter. You deserve more than RM50,000".

Discuss Ms. Tee's conduct as an Advocate and Solicitor with particular reference to the Legal Profession Act 1976 and the relevant Rules applicable thereunder.

(Total: 25 marks)

Continued...

QUESTION 3

Mr. Ultra was charged for the offence of theft in Melaka Court. He retained Mr. Dino, an Advocate and Solicitor to defend him. After a five-day trial, Mr. Ultra was found guilty. As Mr. Dino has done his best at the trial and also mitigated for a lesser sentence, Mr. Ultra, was then sentence to five (5) months imprisonment.

Upon being release from prison, Mr. Ultra immediately filed a negligence suit against Mr. Dino, alleging that Mr. Dino had failed to handle the defence properly and had omitted to address vital evidence which would have proven Mr. Ultra's innocence. Mr. Dino claims immunity from negligence by relying to the case *of Rondel v Worsley* [1967] 3 All ER 993.

Discuss.

(Total: 25 marks)

QUESTION 4

(a) What is "contempt of court"?

(5 marks)

(b) Discuss the different types of contempt with examples of contempt from decided cases.

(20 marks)

(Total: 25 marks)

QUESTION 5

Mr. Arrogant instructed Mr. Tengku, an Advocate and Solicitor, to file a Statement of Defence against a claim for debt filed in the Sessions Court by his supplier, Mr. Aaron. Mr. Tengku agreed and has charged professional fees of RM20,000 for preparing, filing the same and attending the Court. However, due to his busy schedule, Mr. Tengku overlooked the instruction. He only remembered about the filing of the defence when he received the copy of the Judgment in default. Mr. Arrogant claimed he had a good defence to the action and therefore filed a complaint with the Disciplinary Board against Mr. Tengku.

Discuss the process of this complaint from the time it is received by the Board till appeal to the highest court, pursuant to the provisions of the Legal Profession Act 1976.

(Total: 25 marks)

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